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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,417	04/23/1999	LYNN HOLM-BLAGG	06042-0130	2032

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/298,417

Applicant(s)

HOLM-BLAGG ET AL.

Examiner

Alain L. Bashore

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002 and 24 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-22 and 62-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-22 and 62-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9-10-02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because certain listed references have already been made of record in this case. All reference previously made of record are therefore crossed-out by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-16, 62-72 are rejected under 35 U.S.C. 103(a) as obvious over Walker et al in view of (Auriemma or Burke).

Walker et al discloses a method for applying a group payment (a group reward) to a group (affinity group). The group comprises a plurality of accounts (112) spanning a plurality of products (col 8, lines 12-14). A target is determined and there is determined whether the target allows for a group payment (col 5, lines 28-60). If a group payment, then there is determined which accounts are included in the group payment allocation

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(fig 4). The target is compared to a group balance (col 7, lines 55-60) and a payment option is identified (520). The group balance may be an aggregate (col 7, lines 63-64). There is described calculating the group payment allocation then applying the group payment to the accounts included in the group payment allocation (col 8, lines 9-11).

An allocation instruction is disclosed, which may be a standing instruction that applies to all payments received or specific payments received (522). There is disclosed a group balance that may further be: a minimum payment, a last statement balance, or a delinquency amount (col 7, lines 45-55).

Walker et al does not explicitly disclose:

receiving a payment and determining whether the payment is the group payment;

Auriemma discloses receiving a payment (col 5, lines 39-46) and determining whether the payment is the group payment (col 6, lines 6-20).

It would have been obvious to one with ordinary skill in the art to modify Walker et al to include receiving a payment and determining whether the payment is the group payment as taught by Auriemma because Auriemma discloses his method for enhancing a user's perception of the desirability of holding a card (col 2, lines 1-15), and both Walker et al and Auriemma disclose rewards for credit products.

Burke discloses receiving a payment (col 5, lines 54-64) and determining whether the payment is the group payment (col 6, lines 1-17).

It would have been obvious to one with ordinary skill in the art to modify Walker et al to include receiving a payment and determining whether the payment is the group payment as taught by Burke because Burke discloses his method for providing donations, and both Walker et al and Burke disclose payments to groups as donations for credit products (col 1, lines 30-58 to Walker et al; col 1, lines 12-28 to Burke).

4. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of (Auriemma or Burke) as applied to claims 1-16, 62-72 above, and further in view of Musmanno et al.

Walker et al in view of (Auriemma or Burke) does not explicitly disclose:

accounts including a key account and a dependent account;

determining whether payment for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account; and

if payment for the dependant account is due from the group, there is applied the group payment to the key account and the dependent account.

Musmanno et al discloses accounts including a key account and a dependent account (col 3, lines 40-55), determining whether a transaction for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account (col 4, lines 31-34), and if the transaction for the dependant account is due from the group, there is applied the group payment to the key account and the dependent account (col 4, lines 35-44).

It would have been obvious to one with ordinary skill in the art to include accounts having a key and dependent accounts to Walker et al in view of (Auriemma or Burke) because Musmanno teaches the advantages of key/dependencies for financial goals (col 3, lines 5-10).

It would have been obvious to one with ordinary skill in the art to include determining whether payment for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account to Walker et al in view of (Auriemma or Burke) because legal obligations that must be determined of transactions for key/dependencies, such as fees as taught by Musmanno et al (col 4, lines 34-67; col 5, lines 1-12).

It would have been obvious to one with ordinary skill in the art to include if payment for the dependant account is due from the group, there is applied the group payment to the key account and the dependent account to Walker et al in view of

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(Auriemma or Burke) because Musmanno et al teaches that in setting up a key/dependency accounts responsibilities are determined (col 3, lines 22-39; col 4, lines 34-44; col 5, lines 22-33).

Response to Arguments

5. Applicant's arguments with respect to claims 9-22 have been considered but are moot in view of the new ground(s) of rejection.

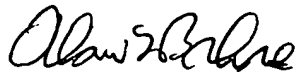
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore
December 20, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600